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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,358	09/14/2006	Takahiro Ohashi	09867/0204863-US0	5623
7278	7590	12/17/2009		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER ROWLAND, STEVE	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,358

Applicant(s)

OHASHI ET AL.

Examiner

Steve Rowland

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to Applicant's communication filed on 08/12/2009.

Specification

2. Examiner notes Applicant's modifications and remarks with respect to the specification and accordingly withdraws the previous objection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson, Jr. (US Pat. No. 5,825,876) (hereinafter “Peterson”).**

Regarding claim 1, Peterson teaches a card game system (col. 3, lines 14-17), comprising a plurality of game apparatuses (Fig. 1), each of which functions as either a master apparatus configured to control a game (60) or a terminal apparatus configured to perform a processes in accordance with indications from the master apparatus (14), the plurality of game apparatuses connected to each other so as to transmit and receive data to and from each other (Fig. 1), wherein when one of the plurality of game apparatuses is set as the master apparatus (60), the game apparatuses other than the game apparatus set as the master apparatus are set as the terminal apparatuses (14), and each of the plurality of game apparatuses reads game information recorded in a card within a specific time during the game (98), the game progresses based on the read game information (col. 3, lines 36-39), the game apparatus set as the master apparatus has a

master reception device configured to receive the game information transmitted from each of the plurality of game apparatuses (Fig. 1), a start determination device configured to determine whether to start the specific time (61), a permission device configured to reject to receive the game information at the master reception device until the start determination device determines to start the specific time (col. 4, lines 52-55), and configured to permit the reception when the start determination device determines to start the specific time (col. 9, lines 18-21), an elapse time determination device configured to determine whether a time set as the specific time in advance elapses after the permission device permits the reception of the game information (col. 7, lines 29-36), and a rejection device configured to reject the reception again when the elapse time determination device determines that the set time elapses (col. 10, lines 13-16), and a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the configured device (col. 10, lines 46-51), and each of the plurality of game apparatuses has a terminal transmission device configured to transmit the game information having been read to the master reception device (Fig. 1).

Regarding claim 2, Peterson teaches wherein a rejection device which rejects the reception of the game information further transmitted from the game apparatus that is a sender of the game information already received by the master reception device even before the elapse time determination device determines that the set time elapses (col. 7, lines 36-38, "usage limit").

Regarding claim 3, Peterson teaches two game apparatuses (Fig. 1).

Regarding claim 5, Peterson teaches a master apparatus (60) as a predetermined reception destination in a card game system in which when each of a plurality of game apparatuses, connected to each other so as to be able to transmit and receive data to and

from each other (Fig. 1), reads game information recorded in a card (col. 5, lines 20-23) and transmits the game information to the predetermined reception destination within a specific time during a game (98), the game is controlled based on the game information received at the predetermined reception destination (col. 3, lines 36-39), the master apparatus comprising a reception device configured to receive the game information transmitted from each of the plurality of game apparatuses (32), a start determination device configured to determine whether to start the specific time (52), a permission device configured to reject reception of the game information at the master reception device until the start determination device determines to start the specific time (col. 4, lines 52-55), and configured to permit the reception of the game information when the start determination device determines to start the specific time (col. 9, lines 18-21), an elapse time determination device configured to determine whether a time set as the specific time in advance elapses after the permission device permits the reception of the game information (col. 7, lines 29-36), a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the configured device (col. 10, lines 46-51), and a rejection device configured to reject the reception again when the elapse time determination device determines that the set time elapses (col. 10, lines 13-16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (US Pat. No. 5,825,876) in view of Yap et al (US Pub. No. 2002/0020745) (hereinafter "Yap").

Regarding claim 4, it is noted that Peterson does not teach a card which has three or more sides and has the game information printed on a same face along the respective sides. However, Yap teaches a card which has three or more sides and has the game information printed on a same face along the respective sides (Figs. 2-5). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Peterson and Yap in order to allow for the interior of the card to be large enough to house a hard drive which could store substantially more data, thus increasing the complexity of the game that could be stored.

Response to Arguments

9. Applicant's arguments filed on 08/12/2009 have been fully considered but they are not persuasive.

Applicant argues, *inter alia*, that "Peterson does not disclose a construct which permits/prohibits consumer access to the server ... dependent upon a predetermined period." Examiner respectfully disagrees. Peterson teaches a server which will reject access to secured content until a specific date and time, upon which the server will enable access to the content by returning unlocking information to the terminal (col. 4, lines 52-55). Therefore, under the broadest reasonable interpretation of the claim 1, it is the Examiner's opinion that this limitation is taught by Peterson.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Rowland whose telephone number is (571) 270-7844. The examiner can normally be reached on Monday through Thursday, alternate Fridays, 8:30 am to 6:00 pm, Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on

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(571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714